

REMARKS

The Examiner has rejected a number of claims as being unpatentable for obviousness under 35 U.S.C. 103 over U.S. Patent 6,490,324 issued to McDade in view of U.S. Patent No. 6,496,980 issued to Tillman et al. McDade describes a "system, method and an apparatus for a digital video decoder..." at Abstract. In rejecting independent claim 21, the Examiner has mistakenly used terminology that is not part of the claim language as pending. In particular, the Examiner notes at page 2, paragraph 5 of the Final Office Action:

"Regarding independent claim 21, McDade discloses:

- selecting from the digital video stream, a particular one of the digital video frames for *synchronizing* (col. 11, line 60 to col 12, line 19, selecting a desired sequence form(sic) the video and audio stream for synchronizing the video and audio in the proxy filter..." (emphasis added).

As can be seen from the above listing of pending claims, claim 21 recites, "selecting from the digital video stream, a particular one of the digital video frames for *enhancement*" and has nothing whatsoever to do with synchronizing audio and video portions. In addition, claim 21 specifically recites selecting a particular one of the digital video frames whereas the cited portion of McDade requires selecting a desired sequence from the video where a sequence is more than a single digital video frame. In this way, the Applicants believe that McDade is unsuitable as a reference under 35 U.S.C. 103 to be cited against claim 21 and therefore the obviousness type rejection of claim 21 and all other pending claims should be withdrawn.

**CONCLUSION**

In view of the foregoing, it is respectfully submitted that all pending claims are allowable. Should the Examiner believe that a further telephone conference would expedite the prosecution of this application, the undersigned can be reached at the telephone number set out below.

Respectfully submitted,

BEYER WEAVER & THOMAS, LLP



Michael J. Ferrazano  
Reg. No. 44,105

P.O. Box 70250  
Oakland, CA 94612-0250  
(650) 961-8300